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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,586	02/08/2002	Joseph J. Pantuso	NAIIP093/02.012.01	2679

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EXAMINER

MEISLAHN, DOUGLAS J

ART UNIT PAPER NUMBER

2137

DATE MAILED: 06/08/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

10/071,586

Applicant(s)

PANTUSO ET AL.

Examiner

Douglas J. Meislahn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2 and 3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 6 objected to because of the following informalities: "claim1" needs a space. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 7 recites the limitation "the selection" in its second line. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer code is not statutory unless it is embodied on a computer-readable medium.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6, 7, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dick et al. (2002/0174340) in view of Schlossberg et al. (2002/0066034).

In paragraphs 64 and 65 Dick et al. present a firewall that detects threats. They also mention levels of attacks, which anticipate an organized categorization of certain firewall events. Dick et al. do not specifically say that these threats are represented graphically. In paragraphs 74-76, Schlossberg et al. teach graphical displays of threats that "facilitate the interaction between the network security operator and the network intruder the operator is seeking to defeat." Schlossberg et al. teaches giving recent or historical displays. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement a graphical threat display, as taught by Schlossberg et al., in Dick et al. in order to help combat intruders.

Disallowed access attempts, mentioned in paragraph 77 of Schlossberg et al., renders obvious claim 2. Paragraph 44 of Schlossberg et al. discusses blocking ports, which renders obvious the limitations of claim 3. Paragraph 41 teaches collecting attacker IP addresses and thus the limitations of claim 4. "Zooming", as described in the last few sentences of Schlossberg et al.'s paragraph 76, renders claim 7 obvious.

Claims 19-21 contain largely the same limitations as claim 1 and are similarly rejected.

8. Claims 5, 8-12, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dick et al. and Schlossberg et al. as applied to claim 2 above, and further in view of Fournel (2002/0024070).

Dick et al. and Schlossberg et al. teach graphically displaying threats, such as blocked access attempts, to a firewall. They do not say that certain predetermined applications should be blocked. In paragraph 2, Fournel teaches the need to block certain applications from accessing data. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to display blocked access attempts of certain applications.

Claim 9 is obvious because of Dick et al.'s logging. Claims 10-12 are rendered obvious by Schlossberg et al.'s monitoring of the attacker. Claim 14 is rendered obvious by Dick et al.'s graphical user interface. Claim 17 is rendered obvious by Dick et al.'s firewall performing logging.

9. Claims 13, 15, 16, 18, and 22-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Dick et al., Schlossberg et al., and Fournel as applied to claim 8 above.

Dick et al., Schlossberg et al., and Fournel teach graphically displaying intrusion attempts detected by a firewall. They do not specifically mandate that the attempts may be seen via summary pages or pages for specific types of illicit access attempts. Official notice is taken that it is old and well-know to provide graphical user interfaces that give different viewing options for data, thereby giving users better ways to view and analyze data. As applied to the teaching of the above references, this improvement

should lead to greater security by individually showing different types of access blocks and a summary thereof. Different visual formats and tools are obvious, such as bar graphs and sliders. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve the potential strength of a firewall by providing its operator with a comprehensive interface that includes a summary page as well as individual listings for different types of security threats, such as certain IP addresses or specific applications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas J. Meislahn whose telephone number is (703) 305-1338. The examiner can normally be reached on between 9 AM and 6 PM, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Douglas J. Meislahn", written in a cursive style.

Douglas J. Meislahn
Examiner
Art Unit 2137

DJM